

REMARKS

Claims 1, 2, 4-14, 19-24, 35, 36 and 37 are in this application and are presented for consideration. By this amendment, Applicant has amended claims 1, 2, 4, 19, 35 and 36. Claim 3 has been canceled. New dependent claim 37 has been added.

Claims 1-14 and 19-24 have been objected to because of minor informalities.

Applicant has amended the claims paying close attention to the Examiner's remarks. Applicant wishes to thank the Examiner for the careful review of the claims.

Claims 1-14, 19-24 and 35 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement because the final rejection states that Applicant's specification does not disclose preheating the web material prior to contacting one of the rollers.

Applicant has amended the independent claims to provide that the web material is preheated prior to contacting the first roller and the second roller. This is clearly supported in Applicant's specification as noted in the final rejection. Accordingly, Applicant respectfully requests that the Examiner remove the rejection in light of the changes to the claims.

Claims 1-5, 19, 23, 24 and 35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Giacometti (US 5,709,829) in view of Muth (WO 03/004229 A1), Schulz (US 5,913,997) and Cruise (US 5,874,159).

The present invention relates to a method for producing a perforated web material. The method includes a first roller and a second roller that perforate preheated web material wherein the two rollers are rotated at different speeds. A critical aspect of the method is that the web

material is preheated prior to contacting the first roller and the second roller. The preheating advantageously allows more time to obtain perforation of the web material. The preheated web material also does not require that a large pressure be applied by the first roller and the second roller. This advantageously reduces the stress on the web material as well as the stress on the first roller and the second roller, which significantly increases the service life of the rollers. The prior art as a whole does not teach or suggest such stress reducing advantages.

Giacometti fails to provide any teaching or suggestion for the combination of a web material that is preheated prior to perforation as claimed. Giacometti merely discloses heating one or more rollers at the same time of the feeding of the web material in the nip defined between the two rollers (see Column 2, lines 43-47). This disadvantageously requires that the web material be heated while in contact with the two rollers. This does not allow the web material more time to be perforated as featured in the present invention. Giacometti fails to appreciate the advantages of preheating the web material prior to perforation as claimed since Giacometti only discloses heating one or more rollers while the web material is feed to the rollers. This is a completely different approach than that of the present invention. Compared with Giacometti, the web material is preheated prior to engaging the first roller and the second roller. This advantageously subjects the web material to less stress since lower pressures can be applied as a result of the web material being at least partially melted or softened prior to being pressed by the two rollers. In contrast to the present invention, Giacometti does not provide any teaching or suggestion that would lead one of ordinary skill in the art to preheat the web material prior to contact with the two rollers. As such, the prior art as a whole takes

a completely different approach and fails to establish a prima facie case of obviousness.

Muth et al. fails to provide any teaching or suggestion for the combination of preheating a web material prior to feeding the web material to a first roller and a second roller wherein the two rollers rotate at different speeds as featured in the present invention. At most, Muth et al. merely discloses heating an opposing roll 5 to a temperature that is below the softening or melting point of the polymer of the nonwoven 6 that is perforated. This does not provide any teaching or suggestion for preheating the nonwoven 6 prior to contact with the opposing roll 5 as claimed. A person of ordinary skill in the art would not be directed to the teachings of Muth et al. in view of Giacometti as Giacometti already directs a person ordinary of ordinary skill in the art toward heating a roller wherein web material engages the heated roller during perforation. Neither Muth et al. nor Giacometti realize the advantages of preheating web material prior to contacting rollers as claimed. Compared with Muth et al., the web material of the present invention is preheated prior to contact with the first roller and the second roller. Preheating of the web material prior to contact with one or more rollers advantageously allows the web material to be more easily and quickly perforated. This significantly reduces the mechanical stress on the web material of the present invention. Muth et al. fails to disclose such mechanical stress reducing advantages as Muth et al. is void of any teaching or suggestion that would direct a person of ordinary skill in the art toward preheating a web material prior to contact with rollers as claimed. In fact, a person of ordinary skill in the art would not be directed to the teachings of Muth et al. since Muth teaches that the perforating roll 4 and the opposing roll 5 have the same circumferential speed, which is in direct conflict with the

teachings of Giacometti. Muth et al. discloses a rubber surface of an opposing roll where needles enter or a surface with holes for the entering of the needles. In this situation in Muth et al., the speed of the two rollers have to be same since the different speeds would lead to damage of the surface of the opposing roll by the needles. As such, the prior art as a whole does not teach or suggest rotating the rollers at different speeds as claimed. As such, the prior art as a whole does not establish a prima facie case of obviousness as the prior art as a whole does not direct a person of ordinary skill in the art to essential features of the claimed combination.

Cruise et al. and Schulz et al. do not provide any teaching or suggestion for the combination of preheating a web material prior to feeding the web material to a first roller and a second roller wherein the two rollers rotate at different speeds as claimed. A person of ordinary skill in the art would not be directed to the teachings of Cruise and Schulz et al. in view of the teachings of Muth et al. and Giacometti. Instead of being concerned with perforating web material as disclosed in Muth et al. and Giacometti, Cruise and Schulz et al. deal with a completely different problem of bonding material together. Cruise and Schulz et al. fail to provide any teaching or suggestion that would direct a person of ordinary skill in the art toward the advantages of preheating a web material prior to contact with two rollers that perforate the web material as claimed. The references as a whole fail to provide any suggestion of using the teachings of Schulz et al. and Cruise et al. to separate the heating station from a bonding station and combine it with the devices of Muth and Giacometti since the references do not direct a person of ordinary skill in the art toward the benefits of preheating the web

material in connection with perforation treatment. As such, the prior art as a whole takes a completely different approach and fails to establish a prima facie case of obviousness as the prior art as a whole does not teach or suggest each and every feature of the claimed combination. Accordingly, Applicant respectfully requests that the Examiner favorably consider claims 1, 35 and 36 as now presented and all claims that respectively depend thereon.

Claims 6 and 10-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Giacometti in view of any one of Muth et al., Schulz et al. or Cruise et al., and further in view of Dettmer (WO 99/25911 referencing U.S. 6,395,211 as an English-language equivalent). Claims 7-9 and 20-22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Giacometti in view of any one of Muth et al., Schulz et al. or Cruise et al., and further in view of Dettmer, and further in view of Pike (U.S. 5,382,400).

All of these rejections are based on the interpretation of Muth et al. as teaching the method features claimed. A fair reading of the Muth et al. reference indicates that the Muth et al. reference discloses heating an opposing roller. The references as a whole clearly do not direct a person of ordinary skill in the art towards the invention as claimed. Accordingly, reconsideration of these rejections is requested.

Applicant has added new dependent claim 37. New dependent claim 37 highlights the contact pressure produced by the two rollers. Applicant respectfully requests that the Examiner favorably consider new dependent claim 37.

Favorable consideration on the merits is requested.

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